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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,211	12/16/2003	Andreas Junghans	tesa 1621-WCG	7667
27386	7590	07/07/2006		
NORRIS, MCLAUGHLIN & MARCUS, P.A. 875 THIRD AVE 18TH FLOOR NEW YORK, NY 10022			EXAMINER DESAI, ANISH P	
			ART UNIT 1771	PAPER NUMBER

DATE MAILED: 07/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	Application No. 10/737,211	Applicant(s) JUNGHANS ET AL.	
	Examiner Anish Desai	Art Unit 1771	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 06 June 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-7.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

Continuation of 11. does NOT place the application in condition for allowance because: The applicant argues that it would be detrimental to add the water soluble polymer of Horiki et al. (US 4,868,045) which imparts releasing property to the adhesive of Luhmann (US 5,897,949), because Luhmann teaches adhesive tape with a powerful bond to the substrate but yet the bond can be easily broken by stretching the tape. Thus, the incorporation of "releasing property" to Luhmann's tape would be detrimental to the high bond strength that is intended for his tape. The applicant's arguments are found not persuasive in determination of patentability, because said arguments are presented without any factual evidence. The examiner recognizes that the adhesive tape of Luhmann requires a powerful bond to the substrate but Luhmann is also concerned with providing an adhesive tape that can be removed without residue or damage (column 1, lines 3-4) to a substrate. Horiki teaches that the water-soluble polymer in emulsion-type adhesive may increase the cohesive force of the adhesive and at the same time give the adhesive a releasing property. Additionally, Horiki also teaches how to control the stickiness (cohesive force) of the adhesive by addition of water-soluble polymer to the adhesive (column 3, lines 3-11) so that the adhesive would not transfer to the surface of an article. This feature is not taught by Luhmann. Thus, it is not seen that why one would not be motivated to add the water-soluble polymer of Horiki in the adhesive of Luhmann to control the stickiness of the adhesive such that adhesive does not transfer to the substrate, when the tape of Luhmann is removed from a substrate. Note that there is a natural desire to improve an unknown product. If the applicant believes that addition of the water soluble polymer of Horiki in the adhesive of Luhmann would be detrimental to the tape of Luhmann, then it is respectfully requested that the applicant provide factual evidence to better support his/her arguments. Further, The applicant argues that there is no teaching in the reference of Horiki that teaches or suggests a water-soluble polymer would improve weatherability or prevent deterioration of stickiness. The examiner recognizes that Horiki reference does not teach of IMPROVING the weatherability or PREVENTING the deterioration of stickiness. However, Horiki reference is not only relied on to teach preventing the deterioration of stickiness and improving the weatherability, but also to show that the adhesive comprising water-soluble polymer of Horiki also has excellent heat resistance. Accordingly, art rejections are sustained. The double patenting type rejections of claims 1-7 in view of the copending application Serial No. 10/739,705 is withdrawn because said copending application is abandoned.

Hai V.

**HAI VO  
PRIMARY EXAMINER**